

Application No. 09/881,043
Supplemental Reply dated January 5, 2004
Response to Office Action dated September 3, 2003

REMARKS/ARGUMENTS

Description of amendments

Claims 1, 3, 8-10 and 13 are now pending and under examination. Applicant has amended claim 10. No new matter has been added.

Claim 10 is supported by the application as originally filed (see, for example, Figure 2).

Allowed and allowable claims

Applicant appreciates that the Examiner has allowed claims 1, 8 and 9.

Rejection under 35 U.S.C. §102

Claim 10 was rejected under 35 U.S.C. §102(b) as being anticipated by *Nurse* (U.S. Patent 5,593,584). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

In the Advisory Action dated December 3, 2003, the Examiner contended that the dam (or the strip) (26) is a filter medium even though the Examiner admitted that the dam (26) is not porous. Applicants strongly disagree with the Examiner's contention on several alternative grounds.

First, the dam (26) is a solid piece of material which does not allow anything to pass though regardless whether it is large or small. Since the Examiner contended that a solid material can be a filter medium, Applicants request that the Examiner cite an example of such a solid material which is used as a filter medium. Applicants, who are skilled in the filtration art, are not aware of such an example.

Second, the Examiner contended that the dam is a filter medium because it prevents large sized particles from overflowing to the other side of the dam. It is true that the dam probably prevents the overflow of a liquid that contains more large sized particles. But that does not make the dam a filter medium. In fact, the dam also prevents LIQUID from overflowing to the other side at the same time. And, since the liquid also contains small sized

Application No. 09/881,043
Supplemental Reply dated January 5, 2004
Response to Office Action dated September 3, 2003

particles, the dam also prevents small sized particles from overflowing the dam. That is, the dam prevents everything from overflowing to the other side of the dam. As a matter of fact, the dam removes nothing from the liquid, as a filter would do. If the Examiner maintains that the dam is a filter medium, Applicants request that the Examiner point out what the dam separates from the liquid and what the dam does not separate from the liquid.

Third, the dam is not a filter because it is not porous. *The American Heritage Dictionary of the English Language* (Fourth Edition, 2000) defines a filter as "a porous material through which a liquid or gas is passed in order to separate the fluid from suspended particulate matter." If the Examiner maintains that a filter medium can be non-porous, Applicants request that the Examiner provide a definition to that effect.

Applicants respectfully submit that for any one of the above three reasons, the dam (26) of *Nurse* is not a filter, and the rejection of claim 10 as being anticipated by *Nurse* is improper.

Additionally, claim 10, as amended, recites that the lateral recess is arranged radially outside of the annular filter medium. This feature is not disclosed by *Nurse*.

The Examiner contended that in *Nurse* a broad space exists between the folded pockets and that the distance between the pockets is defined by the slots (31). These slots (31) are arranged between all adjacent folds on the outside, and the space between the folds is spread out by the slots (31). The Examiner points out that the rods (30) are arranged in the hollow spaces (35) of this spread space.

Applicants are of the opinion that due to the spreading slots (31) define an extended space on the outside of the crown of creases and thereby assure the outflow of the filtered medium at the filter layer. This is interpreted to mean that the slots (31) are arranged on the outside of the crown of creases, and no slots or spacers are arranged on the inside of the crown. The space for containing the rods (30) is not therefore defined by the spreading of the slots (31) but by the crease radius of the strips (26).

In the filter cartridge of claim 10, the arrangement of the functional component is outside of the crown of creases, as shown in Fig. 2, which is arranged outside of the annular

Application No. 09/881,043
Supplemental Reply dated January 5, 2004
Response to Office Action dated September 3, 2003

filter medium (20). This represents a simpler solution than the one provided by Nurse for the purpose of creating space for a functional component in a pleated filter element. Furthermore, the functional component on the outside creates lateral accessibility, which is not possible in Nurse.

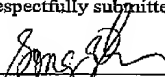
Accordingly, Applicants are of the view that Nurse cannot anticipate the above discussed feature of claim 10.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #: 037141.50052US).

January 5, 2004

Respectfully submitted,



Song Zhu, Ph.D.
Registration No. 44,420
J. D. Evans
Registration No. 26,269

CROWELL & MORING, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JDE:SZ:tlm (037141.50052US; 297639)